

RECEIVED
CENTRAL FAX CENTER

001/006

DEC 21 2004

60,130-1885; 02MRA0391

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Weber
Serial No.: 10/701,997
Filed: 11/5/2003
Examiner: Schwartz, Christopher P.
Art Unit: 3683
Title: Temperature Control System for Air/Oil Shock
Absorber Module

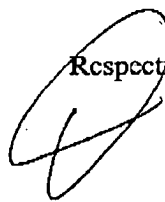
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESUBMISSION OF
REQUEST FOR RECONSIDERATION**

Dear Sir:

A Request for Reconsideration was sent via facsimile on December 13, 2004. This submission is not reflected in PAIR. Applicant now resubmits the Request for Reconsideration, along with two facsimile transmission reports and asks that the Request be entered and forwarded to the examiner for consideration.

Respectfully submitted,



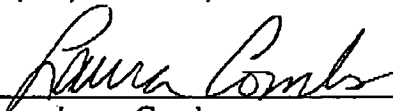
Theodore W. Olds, Reg. No. 33,080
Carlson, Gaskey & Olds
400 W. Maple Road, Ste. 350
Birmingham, MI 48009
(248) 988-8360

Dated: December 21, 2004

60,130-1885; 02MRA0391

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (703) 872-9306, on December 21, 2004.



Laura Combs

60,130-1885; 02MRA0391

UNITED STATES PATENT AND TRADEMARK OFFICE

**RECEIVED
CENTRAL FAX CENTER**

DEC 21 2004

Applicant: Weber
Serial No.: 10/701,997
Filed: 11/5/2003
Examiner: Schwartz, Christopher P.
Art Unit: 3683
Title: Temperature Control System for Air/Oil Shock
Absorber Module

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION

Dear Sir:

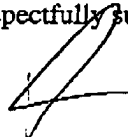
Reconsideration of the final rejection of October 12, 2004 is requested. The examiner argues that since claim 1 simply requires "a control for avoiding an undesirably high temperature within the air volume by replacing hotter air with cooler air, there is only a statement of intended use." The examiner also argues that applicant has made no effort to amend claim 1 to define around the prior art.

Applicant did not need to amend claim 1, as it already defined around the prior art. The "control" limitation of claim 1 is far more than a "statement of intended use." The claim specifically requires that the control perform the function of "replacing hotter air with cooler air." The claim limitation is fairly interpreted to be a step of "replacing" within the air volume. Certainly, claim 2, and claims 3 and 4 which depend to claim 2, make clear that it is the air volume in which the "replacing" is occurring. Simply, and for the reasons set forth previously, the rejection is improper.

60.130-1885; 02MRA0391

Applicant's next step is to appeal this rejection. Applicant does not believe this rejection would survive an appeal conference, and given the increase in appeal filing fees, applicant would ask this case be passed to issue now, rather than after the necessity of preparing and filing an appeal brief. Such action is solicited.

Respectfully submitted,

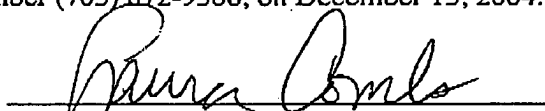


Theodore W. Olds, Reg. No. 33,080
Carlson, Gaskey & Olds
400 W. Maple Road, Ste. 350
Birmingham, MI 48009
(248) 988-8360

Dated: December 13, 2004

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (703) 872-9306, on December 13, 2004.


Laura Combs

USPTO 12/13/2004 3:41 PM PAGE 1/001 Fax Server
 O:Auto-reply fax to 1248988363 COMPANY:

Auto-Reply Facsimile Transmission



TO:

Fax Sender at 12489888363

Fax Information

Date Received:

12/13/2004 3:31:54 PM [Eastern Standard Time]

Total Pages:

2 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page
=====>

12/13/2004 MON 15:34 FAX 12489888363 Carlson, Gaskey & Olds

001/002

69,130-1885; 02ndRA0191

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Weber
 Serial No.: 10701997
 Filed: 11/5/2003
 Examiner: Schwartz, Christopher P.
 Art Unit: 3683
 Title: Temperature Control System for Air/Oil Shock Absorber Module

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22315-1450

REQUEST FOR RECONSIDERATION

Dear Sir,

Reconsideration of the final rejection of October 12, 2004 is requested. The examiner argues that since claim 1 simply requires "a control for avoiding an undesirably high temperature within the air volume by replacing hotter air with cooler air, there is only a statement of intended use." The examiner also argues that applicant has made no effort to amend claim 1 to define around the prior art.

Applicant did not need to amend claim 1, as it already defined around the prior art. The "control" limitation of claim 1 is far more than a "statement of intended use." The claim specifically requires that the control perform the function of "replacing hotter air with cooler air." The claim limitation is fairly interpreted to be a step of "replacing" within the air volume. Certainly, claim 2, and claims 3 and 4 which depend to claim 2, make clear that it is the air volume in which the "replacing" is occurring. Simply, and for the reasons set forth previously, the rejection is improper.

1

PAGE 1/2 * RCVD AT 12/13/2004 3:41:54 PM [Eastern Standard Time] * SVR:USPTO-EFEXF-60 * DNIS:8729306 * CSID:12489888363 * DURATION (mm-ss):01:38

12/21/2004 TUE 10:35 FAX 12489888363 Carlson, Gaskey & Olds

006/006

12/13/2004 MON 15:35 FAX 12489888363

Carlson, Gaskey & Olds

001

*** TI REPORT ***

TRANSMISSION OK

JOB NO. 3231
DESTINATION ADDRESS 17038729308
PSWD/SUBADDRESS
DESTINATION ID
ST. TIME 12/13 15:34
USAGE T 00'39
PGS. 2
RESULT OK

RECEIVED
CENTRAL FAX CENTER

DEC 21 2004

60,130-1885; 02MRA0391

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Weber
Serial No.: 10/701,997
Filed: 11/5/2003
Examiner: Schwartz, Christopher P.
Art Unit: 3683
Title: Temperature Control System for Air/Oil Shock
Absorber Module

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION

Dear Sir:

Reconsideration of the final rejection of October 12, 2004 is requested. The examiner argues that since claim 1 simply requires "a control for avoiding an undesirably high temperature within the air volume by replacing hotter air with cooler air, there is only a statement of intended use." The examiner also argues that applicant has made no effort to amend claim 1 to define around the prior art.

Applicant did not need to amend claim 1 as it already defined around the prior art. The
PAGE 6/6 * RCVD AT 12/21/2004 10:31:39 AM [Eastern Standard Time] * SVR:USPTO-EFAX-1/2 * DNIS:8729306 * CSID:12489888363 * DURATION (mm-ss):01-38